

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

CARLOS ARTURO RAMIREZ,

Defendant.

CASE NO. 8:05CR340

TENTATIVE FINDINGS

The Court has received the Presentence Investigation Report (“PSR”). The parties have not objected to the PSR. See "Order on Sentencing Schedule," ¶ 6. The Court advises the parties that these tentative findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

Although no objections have been filed, the Court notes the discrepancy between the drug quantity envisioned in the plea agreement and the quantity in ¶ 30 of the PSR. The discrepancy will be discussed at sentencing. Because no objections were filed, the Court's tentative findings are that the PSR is correct.

IT IS ORDERED:

1. The Court's tentative findings are that the PSR is correct in all respects;
2. If **any** party wishes to challenge these tentative findings, the party shall file, as soon as possible but in any event before sentencing, and serve upon opposing counsel and the court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the

law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 3 of this order, my tentative findings may become final;

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 24th day of March, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge